

28.08.2023
Sl. No.13
akd
[ALLOWED]

C. R. M. (DB) 3015 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 12.07.2023 in connection with Santipur Police Station Case No.315 of 2023 dated 02.04.2023 under Sections 376/506 of the Indian Penal Code.

And

In Re: ***Ganesh Haldar***

... .. Petitioner

Ms. Minoti Gomes

... .. for the petitioner

Mr. Tanmay Kr. Ghosh
Mr. Arindam Sen

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 107 days. It is further submitted victim had a prior marriage with a relation of the petitioner. Subsequently, she had married another person. There is a dispute between the co-sharers with regard to distribution of the property belonging to her deceased first husband. Investigation is complete. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail.
3. We have considered the materials on record. It is alleged that the victim was picked up by the petitioner and taken to the bank of the river. Credibility of the allegation requires to be assessed in the light of the attending circumstances particularly the dispute over sharing property of her deceased first husband. Investigation is complete. Balancing the nature of accusation with the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.

4. Therefore, the accused/petitioner, namely **Ganesh Haldar**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Ranaghat, Nadia subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.
5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)